

# Common Sense: How the 10th Amendment Gave Us Gay Marriage

Let me preface this installment by saying this critique is not leveled at any one candidate, mainly because it deals with a position that is held by at least two presidential candidates, as well as many congressional candidates.

The Tenth Amendment is indeed a wonderful addition to the Constitution of the United States, and it's one I wish more Americans would pressure our elected representatives to follow more closely. For those who aren't sure what it says, here it is:

*"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

The intent was to spell out, as clearly as possible, that unless the Constitution gave the federal government the authority to do something, it couldn't. In those instances, the authority was granted to the states, or to the people themselves.

The framers of the Constitution were big on self-governance and "rugged individualism" like that.

So while the states held wide-ranging authority under the original intent of the Constitution, it was also widely understood that there were still limits to what states could do. But, that belief came with a very simple caveat, which John Adams identified quite succinctly:

*"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any*

*other."*

All too often, our school children are taught about only three branches of government—the executive, the legislative, and the judiciary—but they ignore easily the most important: the people. “We the People” are supposed to be the ultimate check against tyranny.

The submission to authority spelled out in the Romans 13, in a constitutional republic, is a two-way street. Somewhere along the way, we’ve lost our understanding of that reality, perhaps by design.

So, the Tenth Amendment, while good and great, can lead to our downfall if we don’t have our priorities in order. A society that believes it’s perfectly fine with murdering the unborn, or allowing two people of the same gender to “marry,” is ill equipped to govern itself.

As a native Iowan, I can show you firsthand how a Tenth Amendment approach to “gay marriage” led to the U.S. Supreme Court’s Obergefell opinion that now threatens Christians’ rights to worship and live their lives in accordance with Jesus’ teachings. It all started a little more than 12 years ago—almost to the day.

At that time, a Woodbury County District Court Judge by the name of Jeffrey A. Neary was handed an impossible task. At the time, Iowa did not allow same-gender couples to “marry.” In fact, Iowa had its own Defense of Marriage Act (DOMA) that forbid it.

But, a couple other states did allow it. And because of a Tenth Amendment “solution” to the assault on traditional marriage—because of “50 state laws on marriage”—Judge Neary was asked to decide if a lesbian couple, who married in another state before moving to Iowa, could be granted a divorce.

Judge Neary ultimately granted the divorce, which sent shockwaves throughout the state. Immediately, those who advocated for “gay marriage” in Iowa looked for ways to turn his ruling into a legal argument that would overturn Iowa’s DOMA law.

It didn’t take long, either.

Iowa doesn’t elect judges; they are all appointed by the governor, but the people get a chance to determine whether or not the judge should be retained periodically (first at the first election after appointment, then every 10 years thereafter). So, while the activists were seeking a legal avenue to overturn Iowa’s DOMA, Judge Neary came up for a retention vote.

Woodbury County is a part of a district court circuit that encompasses much of northwest Iowa, sometimes referred to as “The Bible Belt of Iowa.” In spite of that, those attempting to remove Judge Neary from the bench couldn’t find enough voters to throw him out.

Once again, the activists took note—and action.

Just five years after Judge Neary decided to grant the lesbians a divorce—almost to the day—the activists had their day in front of the Iowa Supreme Court, making oral arguments that the state’s DOMA law violated the “equal protection” of same-gendered couples’ “civil rights.” No one bothered to argue that our rights are inherent and derived from God, so the notion that government can bestow rights that didn’t previously exist prevailed.

And, in April of 2009, the Iowa Supreme Court released the unanimous opinion—now known as the “Varnum Decision”—the “gay marriage” was a right that must be protected by the government.

There was outrage, to be sure. Bob Vander Plaats (who was my

seventh grade basketball coach) of The FAMiLY LEADER and several pastors across Iowa launched an effort to remove the justices from the bench, beginning with the three who stood for retention in the next election held in November of 2010.

That effort succeeded, but it did nothing to reverse the dangerous notions laid out in the Varnum Decision. And with the election of a “new” governor—Republican Terry Branstad, who returned after a 12-year retirement—no new gains were made to reverse the court’s opinion.

“Gay marriage” became the “law” in Iowa, even though not a single Iowa voter had a say in the matter, either directly or in the process of choosing their elected representatives in the General Assembly. And it happened all because of “50 state laws” and a Tenth Amendment view on governance.

Two years later, when a fourth member of the Iowa Supreme Court came up for a retention vote, the “throw him out” effort failed miserably. And when a couple more come up for retention in 2016, I highly doubt anyone’s even going to even bother trying to launch a statewide effort.

Christians have the answer to the Tenth Amendment “solution”: no government has the authority to commit evil. But we face a society that: a) has no idea what evil is, b) has no idea where to go to find out, c) is too self-absorbed to care that civil authority has run amok, and d) is too lazy to do anything about it.

So, until we fix what’s wrong with our nation spiritually, the Tenth Amendment won’t work, either.